ASSISTANT TO THE SECRETARY OF DEFENSE
3050 DEFENSE PENTAGON
WASHINGTON, DC 20301-3050

NUCLEAR AND CHEMICAL
AND BIOLOGICAL DEFENSE
PROGRAMS

MAR 12 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNCIL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARIES OF DEFENSE
DIRECTOR, PROGRAMS EVALUATION AND INTEGRATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Procurement of Chemical and Biological Defense Equipment

This memorandum supplements my February 7, 2003, memorandum (attachment 1), regarding procurement of chemical and biological defense equipment (CBDE) for use in Department of Defense (DoD) "civilian consequence management" applications.

For DoD civilian consequence management operations where equipment must meet the Occupational Safety and Health Act (OSHA) and DoD Instruction 2000.18 requirements, the Services may purchase equipment that meets approved national standards provided the equipment has been shown to meet the standard through independent civilian or government testing. Test data supplied solely by a contractor for their product is not adequate. The Selected Equipment List (SEL) developed by the Interagency Board can be used as a guideline for types of equipment needed by responders for a chemical, biological, radiological, or nuclear (CBRN) incident. However, the SEL provides only generic equipment nomenclature with corresponding national standards, so it does not solely provide all the information needed to allow responders to select specific items of equipment. The SEL is updated annually and does provide nationally recognized CBRN standards where they currently exist.

There is significant activity within the Department of Homeland Security (DHS), OSHA, the National Institute for Standards and Technology (NIST), the National Institute for Occupational Safety and Health (NIOSH), the National Firefighters Protection Association (NFPA), and other standard setting organizations to establish civilian national chemical and biological standards for consequence management equipment. Until nationally recognized consequence management standards are finalized in all CBDE areas, I am establishing a CBDE Review Panel chaired by the Joint Program Executive Office for Chemical and Biological Defense (JPEOCBD). The panel will serve as a review board for Service CBDE purchases for consequence management purposes

where DoD or national CBDE standards do not exist and the DoD has specific concerns including: a) chemical and biological agent detection equipment, b) personnel chemical and biological agent protection equipment, c) chemical and biological agent decontamination and decontaminants, d) collective protection equipment, and e) medical countermeasures. Services planning to purchase such equipment should submit their technical and operational test data, documentation of test methods used, standards to which the item will be purchased, safety of use data, and the operational concept for the specific piece of equipment to the Review Panel. The panel will review the information and provide a recommendation as to whether the equipment has sufficient technical and operational effectiveness/suitability data to support its planned use. This process applies to existing CBDE items the Services have purchased without standards as well as to future CBDE purchases. Excluded from this review process are non-CBDP items regularly used in consequence management functions for typical hazardous material (HAZMAT) and fire department/responder work not involving chemical or biological agents. Attachment 2 is a draft of the Review Panel function and process. I plan to have the panel in place by April 2004.

This process applies to DoD civilians and military using non-standard CBRN equipment in a first responder or consequence management role, both on military installations and in support to civil authorities.

The CBDE Review Panel will fill a critical void supporting the Services' civilian and civil support consequence management community until nationally recognized standards are in place. By following this procedure we can ensure that the DoD fields only tested and proven chemical and biological defense capabilities to all our personnel, including those who perform our consequence management and emergency response functions.

My point of contact regarding this matter is Mr. Wayne Davis, DATSD(CBD), (703) 697-5561.

Dale Klein

Attachment:
As stated

cc: Joint Program Executive Office for Chemical and Biological Defense

ASSISTANT TO THE SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-3050

NUCLEAR AND CHEMICAL
AND BIOLOGICAL DEFENSE
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February 7, 2003

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Procurement of Chemical and Biological Defense Equipment

The purpose of this memorandum is to clarify the Department policy on procurement of chemical and biological defense equipment and ensure our warfighters receive only tested and validated equipment. Pursuant to 50 United States Code 1522, the Department of Defense has a single, integrated Defense-wide account to purchase initial quantities of chemical and biological defense equipment. The Chemical Biological Defense Program (CBDP) is a centrally-managed program. As such, Services may only procure chemical and biological defense equipment with Service funds, to include operations and maintenance funds, for replacement of consumable items after initial procurement by the CBDP and for end items needed for sustainment after initial procurement by the CBDP. Chemical and biological defense equipment includes, but is not limited to, detectors, individual protective equipment, collective protection, decontamination, and medical countermeasures and includes use on the battlefield, in force protection and in consequence management against chemical and biological warfare agents, toxic industrial chemicals and toxic industrial materials.

Should a Service identify an urgent operational need that can not be met with currently fielded equipment, there is a defined process to address that need. The Joint Requirements Office for Chemical, Biological, Radiological, and Nuclear (JRO CBRN) Defense of the Joint Staff validates all urgent operational needs and forwards that validated need statement to this office for immediate action. Working with the testing community and the materiel developers, the acquisition community has the capability to conduct rapid developmental and operational testing of commercial-off-the-shelf (COTS) products in order to make a fielding decision. However, accelerated, high risk fielding decisions must be based on high confidence independent government test data, not solely on contractor-supplied data. As more COTS chemical and biological defense equipment becomes available in the private sector, I must stress that there are currently no government-wide standards for COTS products to test against and there is no way the Department can validate the capability of the product based exclusively on contractor test data.

I ask your assistance in ensuring this policy is distributed thoroughly and faithfully implemented within your component. It is the responsibility of the Department of Defense to field only tested and proven capabilities for our warfighters.

Dale Klein